

OFFICIAL

## WOOD, HERRON &amp; EVANS, L.L.P.

BRUCE TITTEL  
DONALD F. FREI  
DAVID J. JOSEPHIC  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.

OF COUNSEL  
JOHN D. POFFENBERGER  
THOMAS W. FLYNN

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1998  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

RECEIVED  
CENTRAL FAX CENTER

MAY 19 2004

JOSEPH R. JORDAN  
C. RICHARD EBY  
DAVID E. PRITCHARD

DWIGHT POFFENBERGER, JR.  
KATHRYN E. SMITH  
KRISTI L. DAVIDSON  
P. ANDREW BLATT, PH.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, PH.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
WESLEY L. STRICKLAND (VA, DC BAR ONLY)  
STEVEN W. BENINTENDI, PH.D.

TECHNICAL ADVISORS  
HENRY M. LABODA, PH.D.

May 19, 2004

## FACSIMILE COVER SHEET

To: Examiner Thomas A. Dixon  
Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosed:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Transmittal containing Certificate of  
Facsimile Transmission and Authorization  
to Charge Deposit Account 23-3000 in the  
amount of \$110.00 for the Terminal  
Disclaimer Fee (2 pages)  
Amendment and Response (8 pages)  
Terminal Disclaimer to Obviate a Double  
Patenting Restriction (37 CFR 1.321(b))  
(3 pages)

From: Scott A. Stinebruner  
Reg. No. 38,323

Re: U.S. Patent Application  
Serial No. 09/314,324  
Filed: May 19, 1999  
Applicant: William Joseph Armstrong et al.  
Art Unit: 3629  
Confirmation No.: 5010  
Our Ref: IBM/91

Pages: 14 (including cover sheet)

## MESSAGE/COMMENTS

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (14 total pages) are being transmitted via facsimile transmission to Examiner Thomas A. Dixon, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on May 19, 2004.

*Judith L. Volk*  
Judith L. Volk

*May 19, 2004*  
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

**PATENT**  
 Att'y Docket No. IBM/91/124  
 Confirmation No. 5010

### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (14 total pages) are being transmitted via facsimile transmission to Examiner Thomas A. Dixon, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on May 19, 2004.

Judith L. Volk  
 Judith L. Volk

May 19, 2004  
 Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: William Joseph Armstrong et al. Art Unit: 3629  
 Serial No.: 09/314,324 Examiner: Thomas A. Dixon  
 Filed : May 19, 1999  
 For : MANAGEMENT OF A CONCURRENT USE LICENSE IN A LOGICALLY-PARTITIONED COMPUTER

Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

### AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is an Amendment and Response and a Terminal Disclaimer to Obviate a Double Patenting Rejection (37 CFR 1.321(b)).
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.  
☐ Enclosed is a verified statement to establish Small Entity status  
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

### CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	18	minus	20	0	\$18	\$0.00
Independent Claims	4	minus	4	0	\$86	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$290	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

☒ No additional fee for claims is required.

Page 1 of 2  
 Serial No. 09/314,324  
 Transmittal for Amendment and Terminal Disclaimer of May 19, 2004  
 IBM Docket: RO999023  
 WH&E IBM/91  
 K:\her\91\Amendment and Response-TD to 3-4-04 OA Transmittal.wpd

4. ☐ Attached is a check in the sum of \$\_\_\_\_\_ for additional claims.  
☒ Please charge my Deposit Account No. 23-3000 in the amount of \$110.00 for the Terminal Disclaimer Fee.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 420.00	\$ 210.00
<input type="checkbox"/>	three months	\$ 950.00	\$ 475.00
<input type="checkbox"/>	four months	\$1,480.00	\$ 740.00
<input type="checkbox"/>	five months	\$2,010.00	\$1,005.00

Extension fee due with this request: \$ \_\_\_\_\_

Method of Payment:

Check enclosed in the amount of \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: \_\_\_\_\_

Scott A. Stinebruner  
Reg. No. 38,323

2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202-2917  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

**Enclosed:**

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
 Transmittal containing Certificate of Facsimile Transmission and Authorization to Charge Deposit Account 23-3000 in the amount of \$110.00 for the Terminal Disclaimer Fee (2 pages)  
 Amendment and Response (8 pages)  
 Terminal Disclaimer to Obviate a Double Patenting Rejection (37 CFR 1.321(b)) (3 pages)

Page 2 of 2  
 Serial No. 09/314,324  
 Transmittal for Amendment and Terminal Disclaimer of May 19, 2004  
 IBM Docket: RO999023  
 WH&E IBM/91